

## CHAPTER 8

### PUBLIC WORKS

<i><b>Section Number</b></i>	<i><b>Title</b></i>	<i><b>Ordinance Number</b></i>	<i><b>Date of Ordinance</b></i>
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**8.01 STANDARD SIDEWALKS.**

- (1) **SPACE RESERVED.** The space reserved for the laying of sidewalks on the public streets of the Village shall be 5' on all streets in the Village.
- (2) **GRADING.** Grading to a depth of 2" below the bottom of the sidewalk and/or driveway and parallel to the finished sidewalk surface shall be included in the price bid per square foot of sidewalk, unless otherwise specified. After the sidewalk is built to the proper grade, the parkway between the lot line and the curb line shall be properly graded with earth even with the surface of the sidewalk, the cost of grading to be included in the price bid per square foot of sidewalk, unless a separate bid price for grading is requested.
- (3) **DRIVEWAYS.** Where driveways occur, the work shall consist of the necessary grading and the placing of 6" of concrete of the same mixture as sidewalks finished the same as sidewalks unless otherwise specified.
- (4) **PREPARATION OF SUBGRADE.** Unless otherwise stated in the contract, the sidewalks will be constructed 5' wide. On the surface of the subgrade shall be placed a layer of slag sand or small broken stone to a depth of 2" to properly level the subgrade, and when thoroughly compacted either by ramming or rolling, the surface of the subgrade will be uniformly 4" below the finished grade. Before placing the concrete, the subgrade is to be thoroughly dampened. Where the sidewalk is on fill, the fill shall extend at least one foot horizontally beyond the limits of the walk and shall then be sloped down to the ground line on a slope of 2 horizontally to one vertically.
- (5) **FORMS AND JOINTS.**
  - (a) Setting Forms. The forms shall be well staked and set to the established lines, their upper edges conforming to the grade of the finished work.
  - (b) Placing and Finishing. Concrete shall be placed in successive hatches for the entire width of the slab, then bull-floated until all voids are removed and free mortar appears on the surface, thoroughly spaded along the edges, and the final troweling shall be done with a steel trowel leaving a smooth, even surface. After the water sheen has disappeared, the surface shall be given a final finish by brushing at right angles to the edge of the walk with a broom or other approved means, by drawing the brush across the sidewalk. The strokes should be slightly overlapping, producing a uniform, slightly roughened surface with parallel brush marks. Dummy joints shall extend to  $\frac{1}{4}$  the depth of the sidewalk, shall not be less than  $\frac{1}{8}$ " and not more than  $\frac{1}{4}$ " in width.

- (c) Alternative Sections: When Required. Where the entire area between the lot line and curb is covered with a concrete sidewalk, the walk shall be laid in alternate slabs, extending from curb to lot line. The width of these slabs shall be as directed by the Village Engineer, not exceeding 10', and a mastic expansion joint shall be placed at approximately 30' intervals.
  - (d) Expansion Joints. Expansion joints ½" thick shall be placed between the sidewalk and all structures such as light standards, traffic light standards, traffic poles, etc., which extend through the sidewalk. Expansion joints ½" thick shall be placed at intervals of 30' in the sidewalk. Where sidewalk is constructed adjacent to pavement or curb having expansion joints, the expansion joints in the sidewalk shall be placed opposite the existing expansion joints as nearly as practicable. Expansion joints shall also be placed where the sidewalk abuts existing sidewalks, between driveway pavement and sidewalks, and between sidewalk and curbs where the sidewalk covers the entire parkway.
  - (e) Joints Around Hydrants. When a hydrant is located in the walk area, a ¼" expansion joint shall be placed snugly around the base of the hydrant.
- (6) **MATERIALS AND CONCRETE.** The concrete material shall be an air entrained 5½ and not to exceed 6¼ bag mix and specifications as may be designated from time to time by the Village Board. Calcium chloride in no case may exceed 1%. The concrete shall contain at least 1% and not more than 6% air content.
- (7) **FINISHING.**
- (a) Tamping and Floating. The concrete must be tamped until a sufficient amount of mortar is brought to the top to permit the proper floating of the surface, which, when finished, must show a mortar surface without the appearance of any stone in the coarse aggregate.
  - (b) Troweling. The surface shall be troweled smooth and finished. The application of neat cement to the surface to hasten hardening is prohibited.
  - (c) Slab Mark. After the wearing surface has been worked to an approximately true plane, the slab mark shall be made directly over the slab Joint. Such mark shall be made with a tool that will cut completely through and entirely separate adjacent slabs.
- (8) **PROTECTION.** When completed, the work shall be kept moist and protected from the elements and from traffic for at least 3 days. The contractor must provide and use all necessary planking, clamps, etc., required to properly shape and guide the

alignment and the grade. All refuse, surplus earth and waste materials shall be cleaned up and removed from the street immediately upon the completion of the walk. All materials used shall be of the best quality and subject to the approval of the Village Board.

- (9) **PERMIT TO LAY WALK.** Every person in the Village, before building any standard sidewalk or one as good as the standard in the Village, shall make written application to the Village Board for permission to construct such walk, containing a full statement of the materials to be used in the construction of such walk, the width thereof and shall also request that the line and grade for the construction of such walk be furnished by the Village Board.
- (10) **REPAIR OF SIDEWALKS.**
  - (a) The Public Works Supervisor or his designee is authorized to order the repair, rebuilding or replacement of defective sidewalks in accordance with the ordinances of the Village. Any person ordered by the Public Works Supervisor or his designee to repair, rebuild or replace a sidewalk located on his premises shall be required to perform such work or to have the same performed in accordance with the ordinances of the Village. The Village Board shall adopt policies and procedures for the implementation of the inspection and replacement of defective sidewalks.
  - (b) The landowner with defective sidewalks shall have 30 calendar days to repair, rebuild or replace said sidewalk. The landowner shall be required to get a permit from the Village to perform said work. The landowner shall use Village approved contractors to perform the work if the work is going to be contracted out. If over 200 square feet of sidewalk is to be replaced, the landowner must post a \$2,000 bond to insure proper replacement construction.
  - (c) If the landowner does not perform the work within 30 calendar days, the Village will replace said sidewalk through a third party contractor. If the Village performs the work the landowner will be charged 100% of the cost.
  - (d) If the Village performs the work, the landowner will get a bill from the Village. If the cost of the work is under \$300, the bill shall be paid upon invoicing and if not paid the lot will be specially assessed in a lump sum against the property bill with applicable interest. If the bill is over \$300, at the option of the landowner, the special assessment will be spread over three years. Failure of the landowner to pay upon billing will, in the absence of other instructions, be considered an election to pay on the basis of a three year special assessment.

- (11) **SIDEWALKS DAMAGED BY SEWER AND WATER LINE INSTALLATION.**  
Where the Village has installed sewer and water lines on private property and has crossed or tunneled under or cut through existing sidewalk, the Village shall pay the expense of installing new panel or panels.

(12) **TIME OF INSTALLATION OF NEW SIDEWALKS.**

- (a) Sidewalks in compliance with this section shall be installed before an occupancy permit may be issued for any new construction, except as provided by this section.
- (b) If for any reason conditions exist which preclude installation of a sidewalk prior to the time that new construction is otherwise ready for occupancy, an amount or bond equal to 100% of the current cost of installation, including all fees, shall be paid to the Village Clerk/Treasurer and an occupancy permit may be issued if all other requirements therefor are complied with. (Am. #097-23)
- (c) Upon a showing to the satisfaction of the Building Inspector that a sidewalk has been properly installed, the amount paid to the Village Clerk/Treasurer shall be refunded. However, at any time after 6 months after the date of deposit, if the sidewalk has not been properly installed, the Village Board may, upon 10 days' written notice to the owner, install such sidewalk and deduct the cost thereof from the amount deposited, whereupon the balance, if any, shall be returned to the depositor and any deficiency shall be assessed against the property improved on the tax rolls in the same manner as delinquent water bills.
- (d) The provisions of this section shall not apply to any property used or occupied as a dwelling or business on the effective date of this section until such time as sewer and water mains are installed on a street adjacent to such property.
- (e) The provisions of this section shall not apply to unplatted lands, nor to platted lands where the frontage occupied by residences, public buildings or warehouses does not exceed 30% of the frontage of the block. However, the Village Board may order installation of sidewalks at any location in the Village at any time in order to establish a safe and continuous negotiable way for pedestrian traffic.
- (f) Except as provided by pars. (d) and (e), within 3 years from July 13, 1964, sidewalks shall be installed along all streets in the Village, whether or not the property is occupied or used for residential or business purposes. If a sidewalk is not properly installed within such time, the Village Board may, without notice, install such sidewalk and submit to the owner a bill for installation. If such bill is not paid within 30 days, the amount due shall be assessed against

the property improved on the tax rolls in the same manner as delinquent water bills.

- (g) Every person failing or neglecting to comply with the provisions of this section, shall be guilty of an offense, and upon conviction, shall pay a forfeiture of not less than \$1 nor more than \$50, together with the costs of prosecution, and upon failure to pay such forfeiture and costs, be committed to the County Jail for a period not to exceed 10 days.
- (13) CORNER LOTS. The entire cost of construction of all sidewalks on a corner lot shall be borne by the owner.
- (14) SURVEYOR'S FEE. Prior to installing any sidewalk pursuant to sub. (12), the owner of the property shall agree to pay to the Village a surveyor's fee equal to the cost to the Village for establishing the line and grade necessary for the proper installation of the sidewalk. The owner shall pay a deposit of \$100 to be applied against such costs. In the case of a sidewalk to be installed pursuant to sub. (12)(a), the payment shall be made to the Building Inspector or such other person as the Village Board may designate, as a condition of obtaining a building permit. All other payments shall be made to the Village Clerk/Treasurer. After the sidewalk installation has been completed, the Village shall account to the owner for the cost of such surveyor's fee. The Village shall remit to the owner any excess deposit or shall submit a statement to the owner for any deficiency over and above the deposit. Any such deficiency shall be payable within 30 days. In the event of nonpayment, the same shall be carried on to the next tax roll as a tax against the property of the owner fronting on the installed sidewalk.

## **8.02 UNIFORM ASSESSMENTS FOR STREET IMPROVEMENTS.**

- (1) STANDARDS OF ASSESSMENTS. The following standards are adopted for the determination of special assessments against benefited properties for street improvements in the Village, including streets, curbs, gutters and driveway approaches:
  - (a) Basis of Assessment. Properties shall be assessed on the basis of an average footage cost of the improvements.
  - (b) Standard Lots. Properties will be assessed at 80% of the actual front foot cost of the project.
  - (c) Corner Lots. The first 60' on the long side of a corner lot shall be exempted. The remainder of the long side and the short side of a corner lot shall be assessed at 80% of the actual front foot cost of the project.

- (d) Driveway Approaches. Driveway approaches shall be assessed at 100% of the cost of such approaches to the property.
  - (e) Village Properties, Intersections and Alleys. All Village property frontage and all intersections and alleys shall be paid by the Village and shall not be assessed to other properties in the project.
  - (f) Installments. At the option of the property owner, assessments may be paid in 10 annual installments. Interest shall be charged at the same rate at which the Village borrows funds to finance the project. No carrying charges shall be charged to the property owners.
- (2) **SUBDIVISIONS**. The provisions herein shall not in any way reduce the obligations of subdividers to install public improvements in subdivisions as a part of plat approval as provided in Ch. 18 of this Municipal Code.

### **8.03 STREET GRADES**

The following street grades within the Village are hereby established (all grades are on USGS Datum):

(1) **87TH STREET**. (Am. #089-17)

	<u>Elevation</u>
At a point 385' north of the centerline of Durand Ave.	694.50
At a point 435' north of the centerline of Durand Ave.	693.82
At a point 485' north of the centerline of Durand Ave.	692.86
At a point 560' north of the centerline of Durand Ave.	691.42
At the centerline of Corliss Ave.	690.66
At a point 760' north of the centerline of Durand Ave.	689.54
At a point 960' north of the centerline of Durand Ave.	691.58
At a point 1,060' north of the centerline of Durand Ave.	693.58
At a point 1,160' north of the centerline of Durand Ave.	694.71
At a point 1,260' north of the centerline of Durand Ave.	694.10
At a point 1,485' north of the centerline of Durand Ave.	690.77
At a point 1,510' north of the centerline of Durand Ave.	690.64
At a point 1,535' north of the centerline of Durand Ave.	691.00
At the C.M. St. P. & P. RR south right-of-way	691.22

- (2) **90TH STREET**. Beginning at station 0-00, such station being described as the west ¼ corner of Section 27, T3N, R22E, Racine County, Wisconsin, with stationing to increase to the north, along the west lines of Section 27 and 22, T3N, R22E, and with intervals of 100' between stations.

<u>Station</u>	<u>Description</u>	<u>Elevation</u>
Sta. 0-00	Future centerline of Broadway Dr.	703.30
Sta. 0-45	North line of Broadway Dr.	703.28
Sta. 2-90.59	South line of Boys Dr.	699.80
Sta. 3-50.59	North line of Boys Dr.	699.80
Sta. 5-96.18	South line of Carol Ann Dr.	696.46
Sta. 6-56.18	North line of Carol Ann Dr.	696.46
Sta. 9-01.77	South line of Hulda Ave.	694.99
Sta. 9-61.77	North line of Hulda Ave.	694.99
Sta. 12-00		696.18
Sta. 12-91.87		697.60
Sta. 14-41.87	South line of Mount Pleasant Ave.	701.30
Sta. 15-01.87	North line of Mount Pleasant Ave.	701.30
Sta. 16-16.87		704.00
Sta. 17-91.87		706.70
Sta. 19-82.15	South line of Chandler Ave.	708.30
Sta. 20-42.15	North line of Chandler Ave.	708.30
Sta. 23-20.15		706.90
Sta. 24-98.65		703.30
Sta. 25-98.65	South line of Durand Ave.	702.50
Sta. 26-78.65	North line of Durand Ave.	702.00
Sta. 28-40.65		698.20
Sta. 32-18.65	South line of Corliss Ave.	693.36
Sta. 32-78.65	North line of Corliss Ave.	693.36
Sta. 34-00		693.97
Sta. 35-43.65		695.98
Sta. 37-43.65		699.18
Sta. 38-34.49	P.C.V.C.	701.16
Sta. 38-74.49	P.T.V.C.	701.70
Sta. 38-94.89	P.C.V.C.	701.80
Sta. 39-34.89	P.T.V.C.	702.31
Sta. 40-05.32	P.C.V.C.	703.76
Sta. 41-05.32	P.T.V.C.	704.90
Sta. 41-55.15		705.25
Sta. 41-60	P.C.V.C.	705.27
Sta. 43-60	P.T.V.C.	705.27
Sta. 47-37	P.C.V.C.	703.38
Sta. 49-37	P.T.V.C.	699.09



## (3) 91ST STREET. (Am. #088-12)

	<u>Elevation</u>
At a point 19' north of the north line of Durand Ave.	701.55
At a point 110' north of the north line of Durand Ave.	700.80
At a point 260' north of the north line of Durand Ave.	699.24
At the centerline of Corliss Ave.	697.51
At a point 90' north of the centerline of Corliss Ave.	699.00
At a point 240' north of the centerline of Corliss Ave.	701.83
At a point 390' north of the centerline of Corliss Ave.	702.96
At a point 490' north of the centerline of Corliss Ave.	704.20
At a centerline of Michigan Ave.	705.21
At the north right-of-way line of Hulda Ave.	696.52
At a point 250' north of the centerline of Hulda Ave.	699.21
At a point 300' north of the centerline of Hulda Ave.	700.21
At a point 400' north of the centerline of Hulda Ave.	702.81
At a point 500' north of the centerline of Hulda Ave.	705.24
At the north right-of-way line of Mt. Pleasant Ave.	705.65
At a point 360' north of the centerline of Mt. Pleasant Ave.	709.20
At a point 507' north of the centerline of Mt. Pleasant Ave.	709.98
At the north right-of-way of Chandler Ave.	709.93
At a point 187' north of the centerline of Chandler Ave.	711.50

## (4) 92ND STREET. (Am. #088-12)

	<u>Elevation</u>
At the centerline of Corliss Ave.	705.25
At a point 10' north of the north line of Corliss Ave.	706.45
At a point 60' north of the north line of Corliss Ave.	707.77
At a point 160' north of the north line of Corliss Ave.	711.50
At a point 310' north of the north line of Corliss Ave.	712.89
At a point 460' north of the north line of Corliss Ave.	713.67
At the south line of Corliss Ave.	705.74
At a point 18' south of the south line of Corliss Ave.	705.08
At a point 533' south of the south line of Corliss Ave.	703.96
At the centerline of Michigan Ave.	713.14
At the centerline of Chandler Ave.	706.13
At a point 50' north of the centerline of Chandler Ave.	706.23
At a point 170' north of the centerline of Chandler Ave.	705.75
At a point 270' north of the centerline of Chandler Ave.	705.11
At a point 345' north of the centerline of Chandler Ave.	704.82
At the centerline of Mt. Pleasant Ave.	710.09
At a point 211' north of the centerline of Mt. Pleasant Ave.	708.75

At a point 261' north of the centerline of Mt. Pleasant Ave.	708.27
At a point 361' north of the centerline of Mt. Pleasant Ave.	707.11
At a point 461' north of the centerline of Mt. Pleasant Ave.	706.51
At the centerline of Hulda Dr.	699.80
At a point 50' north of the centerline of Hulda Dr.	700.31
At a point 125' north of the centerline of Hulda Dr.	701.90
At a point 150' north of the centerline of Hulda Dr.	702.20
At a point 300' north of the centerline of Hulda Dr.	705.68
At a point 450' north of the centerline of Hulda Dr.	708.92
At the south line of Carol Ann Dr.	699.80
At the centerline of Boys Dr.	701.20

## (5) 93RD STREET. (Am. #088-12)

	<u>Elevation</u>
At the north right-of-way line of Broadway Dr.	704.14
At a point 200' north of the centerline of Broadway Dr.	703.50
At a point 400' north of the centerline of Broadway Dr.	702.50
At a point 563' north of the centerline of Broadway Dr.	701.40
At the centerline of Carol Ann Dr.	701.55
At the centerline of Hulda Dr.	702.90
At a point 50' north of the centerline of Hulda Dr.	703.38
At a point 300' north of the centerline of Hulda Dr.	708.38
At a point 350' north of the centerline of Hulda Dr.	709.44
At a point 400' north of the centerline of Hulda Dr.	710.20
At a point 450' north of the centerline of Hulda Dr.	711.24
At the centerline of Mr. Pleasant Ave.	712.18
At a point 15' north of the centerline of Mt. Pleasant Ave.	712.13
At a point 50' north of the centerline of Mt. Pleasant Ave.	712.70
At a point 160' north of the centerline of Mt. Pleasant Ave.	713.80
At a point 210' north of the centerline of Mt. Pleasant Ave.	714.10
At a point 260' north of the centerline of Mt. Pleasant Ave.	713.87
At a point 310' north of the centerline of Mt. Pleasant Ave.	712.58
At a point 360' north of the centerline of Mt. Pleasant Ave.	710.76
At a point 407' north of the centerline of Mt. Pleasant Ave.	708.65
At a point 457' north of the centerline of Mt. Pleasant Ave.	707.42
At the centerline of Chandler Ave.	706.80
At a point 95' north of the centerline of Chandler Ave.	707.08
At a point 270' north of the centerline of Chandler Ave.	705.85
At a point 320' north of the centerline of Chandler Ave.	705.38
At a point 430' north of the centerline of Chandler Ave.	704.98
At a point 510' north of the centerline of Chandler Ave.	706.70
At a point 520' north of the centerline of Chandler Ave.	707.16
At a point 570' north of the centerline of Chandler Ave.	708.79

At a point 65' north of the north line of Durand Ave.	711.64
At a point 165' north of the north line of Durand Ave.	713.64
At a point 265' north of the north line of Durand Ave.	715.30
At a point 525' north of the north line of Durand Ave.	716.41
At the centerline of Corliss Ave.	716.33
At a point 65' north of the north line of Corliss Ave.	717.12
At a point 165' north of the north line of Corliss Ave.	717.48
At a point 290' north of the north line of Corliss Ave.	716.93
At a point 415' north of the north line of Corliss Ave.	715.38
At the centerline of Michigan Ave.	715.05

## (6) 94TH STREET. (Am. #088-12)

	<u>Elevation</u>
At the centerline of Hulda Ave.	706.30
At the centerline of Mt. Pleasant Ave.	713.35
At a point 100' north of the centerline of Mt. Pleasant Ave.	713.05
At a point 150' north of the centerline of Mt. Pleasant Ave.	712.65
At a point 200' north of the centerline of Mt. Pleasant Ave.	712.05
At a point 300' north of the centerline of Mt. Pleasant Ave.	710.61
At a point 350' north of the centerline of Mt. Pleasant Ave.	710.17
At a point 400' north of the centerline of Mt. Pleasant Ave.	709.55
At a point 450' north of the centerline of Mt. Pleasant Ave.	709.01
At the centerline of Chandler Ave.	708.50
At a point 59' north of the centerline of Chandler Ave.	708.94
At a point 109' north of the centerline of Chandler Ave.	709.15
At a point 209' north of the centerline of Chandler Ave.	709.71
At a point 309' north of the centerline of Chandler Ave.	711.63
At a point 409' north of the centerline of Chandler Ave.	713.29
At a point 459' north of the centerline of Chandler Ave.	713.93
At a point 509' north of the centerline of Chandler Ave.	714.93
At a point 559' north of the centerline of Chandler Ave.	715.94
At a point 220' north of the north line of Durand Ave.	717.82
At a point 370' north of the north line of Durand Ave.	718.48
At a point 520' north of the north line of Durand Ave.	719.20
At the centerline of Corliss Ave.	718.80
At a point 15' north of the north line of Corliss Ave.	718.91
At a point 265' north of the north line of Corliss Ave.	716.91
At the centerline of Michigan Ave.	715.88

## (7) 95TH STREET. (Am. #088-12)

	<u>Elevation</u>
At the centerline of Hulda Ave.	707.78

At a point 150' north of the centerline of Hulda Ave.	708.62
At the centerline of Mt. Pleasant Ave.	710.96
At a point 35' north of the centerline of Mt. Pleasant Ave.	710.78
At a point 200' north of the centerline of Mt. Pleasant Ave.	711.37
At a point 225' north of the centerline of Mt. Pleasant Ave.	711.30
At a point 475' north of the centerline of Mt. Pleasant Ave.	712.05
At the centerline of Chandler Ave.	712.35
At a point 19' north of the centerline of Chandler Ave.	712.55
At a point 69' north of the centerline of Chandler Ave.	713.25
At a point 219' north of the centerline of Chandler Ave.	717.00
At a point 269' north of the centerline of Chandler Ave.	717.80
At a point 519' north of the centerline of Chandler Ave.	720.40
At the south right-of-way line of Durand Ave.	721.00
At a point 65' north of the north line of Durand Ave.	721.33
At a point 340' north of the north line of Durand Ave.	720.35
At a point 417' north of the north line of Durand Ave.	720.63
At the centerline of Corliss Ave.	720.00
At a point 260' north of the north line of Corliss Ave.	717.48
At the centerline of Michigan Ave.	716.76

## (8) 96TH STREET. (Am. #088-12)

	<u>Elevation</u>
At a point 360' north of the centerline of Hulda Dr.	712.22
At a point 303' north of the centerline of Hulda Dr.	711.44
At a point 100' north of the centerline of Hulda Dr.	709.98
At the centerline of Hulda Dr.	709.30
At a point 60' south of the south line of Hulda Dr.	709.60
At the centerline of Carol Ann Dr.	706.48
At a point 53.4' north of the centerline of Durand Ave.	724.02
At a point 457.4' north of the centerline of Durand Ave.	723.05
At the centerline of Corliss Ave.	721.65
At a point 100' north of the centerline of Corliss Ave.	720.95
At a point 200' north of the centerline of Corliss Ave.	720.15
At the centerline of Michigan St.	718.78

## (9) 97TH STREET.

	<u>Elevation</u>
At the south line of Chandler Subdivision	708.80
At the centerline of Mount Pleasant Ave.	712.80
At the centerline of Hulda Dr.	710.80
At the centerline of Chandler Ave.	713.80
At a point 190' north of the north line of Chandler Ave.	715.80
At the centerline of Valley St.	722.20

At a point 94' north of the north line of Durand Ave.	728.78
At a point 194' north of the north line of Durand Ave.	729.32
At the centerline of Corliss Ave.	725.80
At the centerline of Michigan Ave.	722.93

## (10) MICHIGAN AVENUE.

	<u>Elevation</u>
At the east right-of-way line of Wisconsin St.	726.30
At a point 150' east of the centerline of Wisconsin St.	725.40
At a point 300' east of the centerline of Wisconsin St.	723.45
At the centerline of 97th St.	722.93
At a point 29' east of the centerline of 97th St.	722.70
At a point 279' east of the centerline of 97th St.	719.20
At the centerline of 96th St.	718.78
At a point 243' east of the centerline of 96th St.	717.01
At the centerline of 95th St.	716.76
At a point 162' east of the centerline of 95th St.	716.30
At the centerline of 94th St.	715.88
At the centerline of 93rd St.	715.05
At a point 150' east of the centerline of 93rd St.	714.30
At a point 250' east of the centerline of 93rd St.	713.92
At the centerline of 92nd St.	713.14
At a point 116' east of the centerline of 92nd St.	710.56
At a point 216' east of the centerline of 92nd St.	707.58
At a point 316' east of the centerline of 92nd St.	705.42
At the centerline of 91st St.	705.21
At a point 134' east of the centerline of 91st St.	703.40
At the west right-of-way line of 90th St.	702.10

## (11) CORLISS AVENUE. (Am. #089-17)

	<u>Elevation</u>
At the east line of 90th St.	693.39
At a point 397' east of the centerline of 90th St.	691.96
At a point 442' east of the centerline of 90th St.	691.91
At a point 447' east of the centerline of 90th St.	691.96
At a point 547' east of the centerline of 90th St.	692.36
At a point 572' east of the centerline of 90th St.	692.41
At a point 597' east of the centerline of 90th St.	692.36
At a point 822' east of the centerline of 90th St.	691.46
At a point 847' east of the centerline of 90th St.	691.32
At a point 872' east of the centerline of 90th St.	691.10
At the west line of 87th St.	690.35
At the centerline of 87th St.	690.66

At the east line of 87th St.	690.35
At a point 1,072' east of the centerline of 90th St.	691.43
At a point 1,122' east of the centerline of 90th St.	691.67
At a point 1,172' east of the centerline of 90th St.	691.25
At a point 1,322' east of the centerline of 90th St.	689.03

## (12) CHANDLER AVENUE. (Am. #088-12)

	<u>Elevation</u>
At the centerline of 97th St.	713.80
At the centerline of 95th St.	712.35
At the east line of 95th St.	712.12
At a point 100' east of the centerline of 95th St.	711.10
At a point 300' east of the centerline of 95th St.	708.62
At the centerline of 94th St.	708.50
At a point 70' east of the centerline of 94th St.	708.02
At a point 300' east of the centerline of 94th St.	706.92
At the centerline of 93rd St.	706.80
At a point 33' east of the centerline of 93rd St.	706.75
At a point 315' east of the centerline of 93rd St.	705.86
At the centerline of 92nd St.	706.13
At a point 35' east of the centerline of 92nd St.	706.16
At a point 285' east of the centerline of 92nd St.	709.86
At the centerline of 91st St.	710.30
At a point 27' east of the centerline of 91st St.	710.08
At the west line of 90th St.	708.37
At the centerline of 90th St.	708.30

## (13) MT. PLEASANT AVENUE. (Am. #088-12)

	<u>Elevation</u>
At the centerline of Buckingham Rd.	695.94
At a point 35' east of the centerline of 90th St.	701.02
At a point 135' east of the centerline of 90th St.	699.52
At a point 200' east of the centerline of 90th St.	697.99
At a point 279' east of the centerline of 90th St.	696.40
At the centerline of 90th St.	701.30
At a point 250' west of the centerline of 90th St.	705.01
At the centerline of 91st St.	705.71
At a point 136' west of the centerline of 91st St.	707.78
At a point 261' west of the centerline of 91st St.	709.48
At the centerline of 92nd St.	710.09
At a point 20' west of the centerline of 92nd St.	710.04
At a point 80' west of the centerline of 92nd St.	710.38
At a point 180' west of the centerline of 92nd St.	710.98

At a point 280' west of the centerline of 92nd St.	712.02
At the centerline of 93rd St.	712.18
At a point 20' west of the centerline of 93rd St.	712.12
At a point 150' west of the centerline of 93rd St.	712.67
At a point 190' west of the centerline of 93rd St.	713.33
At a point 240' west of the centerline of 93rd St.	713.66
At a point 325' west of the centerline of 93rd St.	713.39
At the centerline of 94th St.	713.35
At a point 70' west of the centerline of 94th St.	712.73
At a point 120' west of the centerline of 94th St.	712.55
At a point 270' west of the centerline of 94th St.	711.41
At the centerline of 95th St.	710.80
At the centerline of 97th St.	712.80

(14) DURAND AVENUE. All grades shall be as established by the Wisconsin Department of Transportation.

(15) CAROL ANN DRIVE.

	<u>Elevation</u>
At the centerline of 90th St.	696.47
At the centerline of 92nd St.	699.85
At the centerline of 93rd St.	701.55

(16) BOYS DRIVE.

	<u>Elevation</u>
At the centerline of 90th St.	699.79
At the west right-of-way line of 90th St.	699.70
At a point 500' west of the centerline of 90th St.	702.00
At a point 683' west of the centerline of 90th St.	701.20
At the centerline of 92nd St.	701.20

(17) HULDA DRIVE. (Am. #088-12)

	<u>Elevation</u>
At the centerline of 90th St.	694.80
At the centerline of 91st St.	696.80
At the centerline of 92nd St.	699.80
At the centerline of 93rd St.	702.90
At the centerline of 94th St.	706.30
At the centerline of 95th St.	707.78
At the centerline of 96th St.	709.30
At the centerline of 97th St.	710.80

## (18) ALLEYS IN BLOCK 1, TOWNSITE OF CORLISS.

	<u>Elevation</u>
At the centerline of the east and west alley at the east line of Wisconsin St.	729.88
At the centerline of the intersection of north and south alley and the east and west alley	731.80
At the centerline of the east and west alley at the west line of 97th St.	729.08
At the centerline of the north and south alley 202' north of the north line of the east and west alley	730.00
At the centerline of the north and south alley 277' north of the north line of the east and west alley	729.43
At the centerline of the north and south alley 327' north of the north line of the east and west alley.	728.70
At the centerline of the north and south alley 352' north of the north line of the east and west alley	728.16

## (19) BROADWAY DRIVE.

	<u>Elevation</u>
At the centerline of Buckingham Rd.	697.42
At the west line of Buckingham Rd.	697.42
At the centerline of Kennsington Square Rd.	684.00
At the east line of Kennsington Square Rd.	684.00
At a point 130' east of the east line of Kennsington Square Rd.	683.35

## (20) BUCKINGHAM ROAD.

	<u>Elevation</u>
At the north right-of-way line of Broadway Dr.	697.27
At a point 722' north of the north right-of-way line of Broadway Dr.	694.10
At a point 872' north of the north right-of-way line of Broadway Dr.	693.11
At the centerline of East Coventry Dr.	692.98
At a point 22' north of the centerline of East Coventry Dr.	693.08
At a point 422' north of the centerline of East Coventry Dr.	695.44
At the centerline of Mount Pleasant Ave.	695.96
At a point 139' north of the centerline of Mount Pleasant Ave.	698.34
At a point 289' north of the centerline of Mount Pleasant Ave.	701.79
At the centerline of Buckingham Dr.	703.80



## (21) EAST COVENTRY DRIVE.

	<u>Elevation</u>
At the centerline of Buckingham Rd.	692.98
At a point 100' east of the centerline of Buckingham Rd.	691.48
At a point 150' east of the centerline of Buckingham Rd.	690.48
At a point 250' east of the centerline of Buckingham Rd.	688.68

## (22) SOUTH KENNEDY DRIVE.

	<u>Elevation</u>
At the north right-of-way line of Broadway Dr.	688.42
At a point 200' north of the centerline of Broadway Dr.	689.95
At a point 380' north of the centerline of Broadway Dr.	690.85
At the centerline of East Coventry Dr.	688.66
At the centerline of Westminster Dr.	687.73
At a point 60' north of the centerline of Westminster Dr.	688.37
At a point 240' north of the centerline of Westminster Dr.	692.21
At the centerline of Westbrook Dr.	692.86

## (23) KENNSINGTON DRIVE.

	<u>Elevation</u>
At the centerline of Westminster Dr.	686.50
At a point 300' south of the centerline of Westminster Dr.	685.30
At a point 600' south of the centerline of Westminster Dr.	683.80
At a point 960' south of the centerline of Westminster Dr.	685.38
At the centerline of Broadway Dr.	684.25

## (24) WESTMINSTER DRIVE. (Am. #091-10)

	<u>Elevation</u>
At the centerline of South Kennedy Dr.	687.73
At the centerline of Kennsington Dr.	686.50
At a point 50' east of the centerline of Kennsington Square Rd.	686.80
At a point 250' east of the centerline of Kennsington Square Rd.	690.20
At the centerline of 86th St.	690.08
At a point 134' east of the centerline of 86th St.	688.95
At a point 534' east of the centerline of 86th St.	686.95

## (25) 86TH STREET. (Am. #091-10)

	<u>Elevation</u>
At the centerline of Westminster Dr.	690.08
At a point 30' north of the centerline of Westminster Dr.	689.98

At the centerline of Westbrook Dr.	691.33
At the centerline of Buckingham Dr.	692.94
At a point 128' north of the centerline of Buckingham Dr.	693.58
At a point 529' north of the centerline of Buckingham Dr.	698.38
At a point 50' south of the centerline of STH 11	696.36

## (26) BUCKINGHAM DRIVE. (Am. #091-10)

	<u>Elevation</u>
At the centerline of Buckingham Rd.	703.80
At a point 72' east of the centerline of Buckingham Rd.	703.25
At a point 422' east of the centerline of Buckingham Rd.	701.29
At a point 522' east of the centerline of Buckingham Rd.	700.55
At a point 772' east of the centerline of Buckingham Rd.	697.13
At a point 872' east of the centerline of Buckingham Rd.	694.97
At the centerline of 86th St.	692.94
At the west right-of-way line of 86th St.	693.32

## (27) WESTBROOK DRIVE. (Am. #091-10)

	<u>Elevation</u>
At the centerline of South Kennedy Dr.	692.86
At a point 32' east of the centerline of South Kennedy Dr.	692.91
At a point 255' east of the centerline of South Kennedy Dr.	695.32
At a point 455' east of the centerline of South Kennedy Dr.	694.52
At the centerline of 86th St.	691.31

## (28) KENNSINGTON SQUARE ROAD.

	<u>Elevation</u>
At the centerline of Broadway	684.00
At the centerline of Westminster Dr.	686.50

**8.04 ESTABLISHING THE CROSS SECTION OF ALL UNPAVED STREETS.**

- (1) CENTERLINE. The centerline of all unpaved streets in the Village shall conform to the established grade.
- (2) TOP OF CURBS. The top of the curbs shall also conform to the established grade.
- (3) GUTTERS. The gutters shall not be more than 8" and not less than 6" below the centerline of the streets, to be fixed within those limits so as to provide for proper drainage.

- (4) **CROSS SECTION.** The cross section of all unpaved streets shall be of the form known as “quarter crown”; that is, at a point equally distant from the centerline and the curb line, the fall from the centerline shall be equal to  $\frac{1}{4}$  of the total amount of the crown.

## **8.05 STANDARDS FOR CURBS AND GUTTERS.**

- (1) **ESTABLISHED.** Unless otherwise specified or authorized in writing by the Village Board, curbs and gutters hereafter constructed within the Village shall be in conformity with the standards set forth in this section.
- (2) **WORKMANSHIP.**
  - (a) Combined curb and gutter shall be constructed on a solid foundation and shall be built of one course construction. When built as a part of a paving project, they shall be doweled to the pavement with  $\frac{1}{2}$ ” deformed steel bars 2’ long, spaced 30” on centers. The concrete shall be finished true to the line and grade established by the Village Engineer. All exposed surfaces shall be finished with a steel trowel followed by transverse brushing.
  - (b) Transverse contraction joints shall be formed by inserting steel plates in the forms and removing them during the finishing operation. Such joints shall be spaced 10’ apart.
  - (c) Transverse expansion joints shall be located at the end of every radius and at intervals of not less than 200’ nor more than 400’ within the blocks, as directed by the plans or the Village Engineer. Such joints shall be  $\frac{3}{4}$ ” thick.
  - (d) All transverse joints shall extend entirely through the curb and gutter so concrete cannot span the joint. Joints shall be perpendicular to the face of the curb and the grade of the gutter.
  - (e) One-half inch expansion joints shall be placed to the back of the curb at all places where sidewalks, approach aprons and similar structures abut the curb.
- (3) **MATERIALS.**
  - (a) All cement used for curb and gutter shall be air-entraining Portland cement which conforms to A.S.T.M. Specification C-176-56. Specification C-150-55 Type 1 may be used with an air-entraining agent added to provide 5% to 8% entrained air. Cement used for underground structures shall be standard Portland cement conforming to A.S.T.M. Specification C-150-55 Type 1.

- (b) In addition to the air-entraining agent, other admixtures to provide better workability may be used and a reduction in cement content up to ½ bag per cubic yard of concrete will be allowed, but only upon written request and where it can be definitely shown that such admixtures will maintain the strength of the concrete.
  - (c) Sand shall be clean, washed and well graded from fine to coarse and shall be free from clay, silt, organic matter or other deleterious material. In size it shall range from that passing a ¼” screen to that retained on a 100-mesh sieve.
  - (d) Coarse aggregate shall be crushed stone or crushed gravel which shall have been washed after crushing. It shall be free from crusher dust, clay balls, silt, organic matter or other deleterious material. Stones ranging in size from that passing a ¾” screen to that retained on a ¼” screen shall be used.
- (4) TESTING. Specimens for compression tests shall consist of 12” cylinders 6” in diameter. At least 2 specimens shall be taken from each daily pour of more than 25 yds. Additional specimens may be required by the plans or the Village Engineer. Contractor shall, at his own cost, provide all equipment necessary to obtain such specimens and shall ship the cylinders to the testing laboratory directed by the Village Engineer.

#### **8.06 CURB LINES TO BE FIXED AND MARKED.**

The curb line on all streets shall be established and located by the Village Engineer, and permanent marks or monuments placed in and upon such streets, and every person who shall erect, build or construct any sidewalk, curb or any other structure whatsoever, or cause to be erected, built or constructed any sidewalk, curb or any other structure, outside of such curb line as established and located by the Village Engineer shall be guilty of a violation of this code.

#### **8.07 DRIVEWAY APPROACHES WITH CURBS AND GUTTERS.**

All driveway approaches abutting permanent streets shall be poured concrete according to specifications contained in Section 8.05(3) of this chapter.

#### **8.08 CULVERTS: COST OF INSTALLATION.**

- (1) Whenever, in the opinion of the Village Engineer, it shall be necessary to install a new culvert underneath a private driveway entering onto a public street to facilitate or provide proper drainage, a culvert of such material, size and dimension as is prescribed by the Village Engineer shall be installed at the cost of the owner of the property served by such driveway. However, the cost to the property owner shall

not exceed the price of the installed culvert, such price to be determined at the time of installation.

- (2) When the installation of a new culvert is necessary due to damage to an existing culvert by the Village, as a result of construction contracted for by the Village, or if the existing culvert has become unserviceable due to neglect on the part of the Village in maintaining proper flow through the culvert, the Village will assume the cost of the new culvert.
- (3) When the installation of a new culvert is necessary due to natural deterioration or disintegration, or due to damage by persons not under hire by or acting for the Village, or if the existing culvert was of such construction or material so as not to meet the requirements of the Public Works Committee, the cost for the new culvert shall be borne by the property owner.
- (4) When the installation of a new culvert is necessary to replace an existing culvert which is of insufficient cross section for proper drainage, the property owner shall pay the difference between the then current cost of the size culvert removed and the then current cost of the new culvert, provided that the existing culvert meets all the requirements of the Public Works Committee other than size. If the existing culvert is of 12" or larger size and meets all the requirements of the Public Works Committee other than size, there will be no charge to the property owner.

#### **8.09 OPENING OF VILLAGE HIGHWAYS.** (Rep. & recr. #98-07)

- (1) **PERMIT REQUIRED.** Any person, firm, corporation, utility, or other entity ("Permittee") who wishes to excavate or place an obstruction within any Village highway shall first obtain a permit from the Director of Public Works or an authorized representative. For the purpose of this section, "highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel.
- (2) **PERMIT REQUIREMENTS.** In order to obtain a permit, an application must be completed upon a form provided by the Village Clerk/Treasurer. In addition, a permit fee, in an amount established by resolution of the Village Board from time to time, must be paid to the Village Clerk/Treasurer. No permit fee shall be refunded. The issuance and acceptance of the permit shall obligate the Permittee to the following conditions:
  - (a) A cash bond or irrevocable letter of credit in the amount of \$1,250 shall be filed with the Village Clerk/Treasurer. Such cash bond or letter of credit shall

be held by the Village to guarantee the conditions of the permit for a period of two (2) years from the date of the issuance of the permit.

- (b) The Permittee agrees to indemnify and hold harmless the Village, its employees and its agents, from any cost, claim, suit, liability and/or award which might come, be brought, or be assessed, because of the issuance or exercise of this permit, or because of any adverse effect upon any person or property which is attributed to the partially or entirety completed works of the Permittee.
- (c) The Village of Sturtevant, through its Director of Public Works or an authorized representative, shall have complete authority at all times over construction or repair operations which may have an influence on the highway.
- (d) The permitted facilities shall, if necessary, be altered at the expense of the Permittee to permit alteration, improvement, or maintenance of the highway as may hereafter be ordered. The entire cost of constructing and maintaining the permitted work shall be the obligation of the Permittee unless a contract for such costs has been executed.
- (e) This permit authorizes only the described works of and for the Permittee indicated on the face of the permit. It does not grant authority for the facilities of any other person or entity, either by present installation or future installation.
- (f) This permit does not transfer any land, or give, grant or convey any land right nor easement.
- (g) No part of the permitted work operations shall be commenced until warning signs, devices and methods to protect the public are established, in place and fully functional. Warning signs and devices shall conform to the appropriate sizes, design and arrangements specified within the most current "Wisconsin Department of Transportation's Manual on Uniform Traffic Control Devices." It shall be the responsibility of the Permittee to provide and maintain at least the quantity of signs and devices therein described, but to also supplement those with such additional signs, devices and flagmen as are necessary to functionally protect persons and property from injury or damage at all times and under all conditions, including changed or changing conditions. The Permittee shall assure that all traffic control facilities are well maintained and functional until all operations related to the permitted work are completed.
- (h) Issuance of this permit does not constitute authority for any interference with traffic. A minimum of one lane of traffic shall be open at all times. Whenever

the contractor's operations obstruct or endanger a traffic lane and no marked detour has been provided, the contractor shall furnish a flagman to direct traffic through or around the congested area. The Village shall have the right to require additional flagmen as it shall deem necessary.

- (i) Vehicles, equipment, and materials shall not be stored on the live lanes of the highway at any time. No vehicles or supplies shall be stored on the shoulder areas directly opposite the area of current operation. The Permittee shall regulate equipment, material, and vehicles to assure consistently safe conditions. Any material or equipment left on the shoulder areas overnight shall be properly marked with standard flashers.
- (j) It shall be the responsibility of the Permittee to determine the location of and protect or cause to be protected from any damage, any facilities already in place in the area to be influenced by the permitted work. All notification of others is likewise the responsibility of the Permittee.
- (k) The Permittee shall be responsible for perpetuating all existing section corner markers which might be affected by the work authorized by this permit. The County Surveyor shall be notified prior to any section corner monument being disturbed or removed.
- (l) All disturbed areas shall be returned to their present condition or better, subject to the satisfaction of the Village Director of Public Works or an authorized representative. Access to all private drives and public street intersections shall be maintained, and all disturbed areas shall be repaired with like material prior to the work authorized by this permit.
- (m) When restoration is not accomplished voluntarily and without delay, the Village may issue a notice setting forth a final date by which restoration shall be completed. If the Permittee fails to satisfactorily complete all restoration within the time thus established, the Village may arrange directly for all needful restorations, and all costs associated with such restorations and the arrangements therefor shall be a cost obligation of the Permittee, and may be charged against the cash bond or letter of credit. In the event the cash bond or letter of credit is insufficient for such purposes, the Permittee shall be liable to the Village for the excess cost over the amount of the cash bond or letter of credit.
- (n) Any damage or maintenance due to settlement of any other causes occurring within the highway right-of-way, as a result of the issuing or exercising of this permit, must be corrected by the Permittee, or his agent, successors or assigns, in the time and manner designated by the Village Director of Public Works or

an authorized representative, for a period of 2 years from the date of the issuance of this permit.

- (o) The Permittee shall provide the supervisor of the permitted work with a copy of this permit and is responsible to assure the latter's familiarity with all details and requirements thereof. A copy of this approval, along with any plans and special provisions, shall be available on the job site. The Permittee is the responsible party for all work permitted under this permit and any complaints or requirements for correction will be taken up with the Permittee directly. The Permittee shall be responsible to the Village for any failure to comply with any part of the permit.
  - (p) Upon completion of the work the Permittee shall file a written notice with the Village Director of Public Works.
- (3) **EXCEPTIONS.** The Village Sewer and Water Utilities are excepted from the provisions of this ordinance. In addition, those utilities and entities set forth in Section 66.045(6), Wis. Stats., and any amendments thereto, are excepted from those provisions pertaining to the filing and drawing upon of the cash bond or irrevocable letter of credit, but are required to secure a permit from the Village as otherwise set forth above.

## **8.10 JURISDICTION OVER STREET SIGNS.**

Jurisdiction and control over all signs on Village streets shall be in the Public Works Committee of the Village Board. The Public Works Committee is authorized and empowered to erect, maintain, move and remove signs as may serve the best interests of the Village.

## **8.11 STREET TREES**

Village residents are encouraged to plant and replace trees to increase and maintain property values, provide shade and to enhance the beauty of their property and the Village. The following regulations shall apply:

- (1) **DEFINITIONS.** The following word, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Public rights-of-way* shall mean and include that part of every street and alley, and that area between the lot line or sidewalk and the curb (or proposed location of a curb) or roadway if a curb is not present. This property is owned by the village and to be maintained by the adjacent property owner.



*Parkway* shall mean the same as Public rights-of-way

*Street* shall mean every highway, as defined in sec 340.01(22) Wis. Stats., within the corporate limits of the Village including alleys, as defined in sec 340.01(2) Wis. Stats.

- (2) **POWERS.** The Village Board shall have full power and authority over all trees, plants and shrubs planted and to be planted in the public rights-of-way of the Village, including the right to plant new trees and care for the same. The Director of Public Works (DPW), village forester or any authorized village employee shall have jurisdiction and control over all trees and shrubs upon all streets, public parks and all other grounds in the Village, along with enforcing all ordinances pertaining to trees and shrubs.
- (3) **PLANTING OR REMOVAL OF TREES.** The Village Board shall have the authority to order any and all trees and stumps removed, to plant other trees and care for the same.

Any person desiring to plant or remove any tree upon any Village street shall get a written permit from the Village or appointed department and abide by all the rules and regulations concerning the planting or removing of the same.

**Recommended Trees.**

- (a) The size and species and cultivar/variety of trees to be planted in public rights-of-way or as a part of the village approved forestry program, and the manner of planting, shall be submitted to the DPW for approval before commencement of such work.
- (b) The Village shall allow only the following trees to be planted along with new and improved varieties approved by the University of Wisconsin Horticulture department.

Miyabe Maple  
 Pacific Sunset Maple  
 Maples (excluding Silver Maples)  
 Ginkgo  
 Redmond Linden  
 Sentry Linden  
 New Horizon' Elm  
 Frontier' Elm  
 Autumn Blaze Callery Pear (non-fruit bearing)  
 Bradford Pear (non-fruit bearing)

Honey Locust  
 Norway Sunset Maple  
 Freeman Maple  
 Glenleven Linden  
 Silver Linden  
 Regal' Elm  
 Morton' Elm  
 American Smoketree  
 Ivory Silk Japanese Tree Lilac  
 Skyline Locust

\*Silver Maples, fruit or nut bearing trees and evergreens will not be approved.

(c) TREES UNDER UTILITY WIRES

Planting of tall growing tree species under utility wires is hereby prohibited. Tall growing trees are any tree that may grow larger than 25 feet in height. The following is a suggested list:

Hedge (Field) Maple	Speckled Alder
Serviceberry ( single stem only)	Japanese Lilac
Redbud	Thornless Hawthorn
Magnolia	

(4) DENSITY AND PLACEMENT

- (a) No tree shall be planted under this section which is less than 1½ inches in diameter 6” above ground. Recommended tree spacing is approximately 35’ apart, 10 feet from any overhead streetlight, 7 feet from crossing underground utilities such as gas, electric, street lighting, sewer/water mains. No tree shall be planted within 35 feet of any street corner. No tree shall be planted if parkway is less than 5 feet across (wide). Tree must be centered in parkway as to have 2 ½ feet on each side of the tree. In sections without sidewalk, plant trees at least 4.5 feet from curb.
- (b) No more than one tree shall be planted in a public right-of-way abutting a lot having a frontage at the street of less than 75 feet. If this subsection conflicts with any deed restriction or subdivision rule that is more restrictive than this subsection, then the deed restriction or subdivision rule controls.

(5) TRIMMING

- (a) Trees or shrubs planted within any parkway or public right-of-way shall be kept trimmed by the owner or occupant of the property. Any of the branches or foliage projecting over any public street which is the subject of vehicular traffic provides a clearance of not less than 14 feet from the pavement.
- (b) Trees or shrubs standing in or upon any public right-of-way adjacent to a public sidewalk shall be kept trimmed by the owner or occupant of the property. Any branches or foliage projecting over any sidewalk or right-of-way for pedestrian traffic must provide a clearance of not less than 8 feet from the pavement or ground.

- (c) The Village may waive the provisions of this section for newly planted trees if the engineer or DPW determines that they do not interfere with public traveling, obstruct any street light or sign or endanger public safety.
- (d) All trees upon private property or the public rights-of-way shall be so trimmed as to abide by the above rules. Bushes shall be so trimmed that no part of the same shall extend over the sidewalk. The Director of Public Works shall notify the owner of any such tree or shrub to remove any branches extending over the sidewalk, which he shall deem dangerous to vehicles or pedestrians. If any such owner shall fail to remove such branches or trim such trees or shrubs as stated above, the Village may do so and charge the expense of the same under sec. 66.60(16), Wis Stats., as a special charge against the property owner. Those doing such work will provide a strict account of the work performed, showing all labor and materials furnished, and report to the Village each month.

(6) TREE REMOVAL

- (a) In cutting down trees, the tree must be removed with the root stump grubbed out or ground out, to a depth of at least nine inches below grade measured in a straight line from the normal grade of sidewalk to the top of curb. Surface roots beyond the main stump are to be removed to a depth of 5 inches below grade. All wood and debris must be removed from the street and sidewalk prior to the end of each working day and all holes shall be filled to normal grade level.
- (b) Dangerous, Obstructive and Infected Trees. Any tree or part thereof, whether alive or dead, which the Village shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to public sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village shall give written notice to said owner to remedy the situation. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than twenty-four (24) hours nor more than fourteen (14) days as determined by the Village on the basis of seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Village shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk who shall thereupon enter such cost as a special charge against the property.

**(7) REMOVAL OF DEAD WOOD FROM TREES**

Each owner and person in possession of real estate in the Village of Sturtevant shall cause all dead wood to be removed from every tree on his property or parkway, and dispose of properly. In the event that it appears to any agent or employee of said Village that there is dead wood in any tree on private property in the Village, the Village shall cause notice to be given to the owner at his last known address, and the person in possession of such property, to remove and dispose of such dead wood. If such dead wood has not been removed within 10 days after such notice is given, then the Village shall remove the same. Accurate record of the cost of removing dead wood shall be kept and a report made to the Village Clerk, and the amount thereof shall be entered as a special tax against such property.

**(8) PENALTIES**

Penalties for violation of this ordinance subject to provisions in Chapter 25.04.

**8.12 REMOVAL OF SNOW AND ICE FROM SIDEWALKS.**

- (1) The occupants of every building, tenement or premises fronting upon any street within this Village, and the owners of any unoccupied buildings or premises fronting on any streets shall keep the sidewalks adjacent to their premises reasonably free and clear of snow and ice, and shall within 24 hours after every snowfall clear the snow off such sidewalk.
- (2) The Village Board may remove the snow or ice where a person fails or neglects to comply with the provisions of this section, and charge the costs thereof to the owner of the property.

**8.13 OBSTRUCTING, LITTERING AND DAMAGING OF STREETS, ALLEYS AND PUBLIC GROUNDS.**

- (1) **OBSTRUCTING OR LITTERING STREETS, ALLEYS AND PUBLIC GROUNDS.**
  - (a) **Obstructions.** No person shall place, deposit or cause to be placed upon any street, alley, gutter, sidewalk or public ground within the Village any timber, wood, lumber, rubbish, grass clippings, leaves, yard or garden debris, offal, vegetables, paper, shavings, garbage or earth, snow, or anything of substance whatever which may obstruct any street, alley, gutter, sidewalk or public ground, or impede, hinder or endanger travel thereon, or which shall or may injure or disfigure the same, or tend to the injury or disfigurement thereof, or tend to render the same unclean or a nuisance; nor shall any person cause or

suffer any vehicle or any box, crate, bail, baggage, merchandise or other thing to stand or be in or upon any such street, alley, sidewalk or public ground.

- (b) Duties of Officers to Cause Removal. If any substance or material mentioned in par. (a) above is found remaining or lying upon any street, alley, sidewalk or public ground within the limits of the Village in violation of par. (a) above, the Village Police Chief or any Village employee shall cause notice to be immediately given to any person who may have placed, caused or permitted to be placed such substance or thing upon such street, alley, sidewalk or public ground, or who may be the owner or have control of such substance or thing or who may suffer the same to lay or remain upon such street, alley, sidewalk or public ground, to remove such thing or substance, or cause the same to be removed immediately; and if such person refuses, neglects or fails to remove, or cause to be removed the same after being so notified, the Village Police Chief or designee may issue a citation and shall cause it to be removed to some convenient and safe place within the Village at the expense of such person to be recovered in an action against such person prosecuted in the name of the Village.

## (2) DAMAGING STREETS WITH MACHINERY.

- (a) Damage to Streets. No person shall operate any construction implement or machinery, road machinery or other machinery on or adjacent to any public street, highway, alley, curbing or sidewalk in the Village if the operation or manner of operation of such equipment will break up, damage or disfigure or tend to break up, damage or disfigure the pavement, surface or construction of such public street, highway, alley, curbing or sidewalk, unless a foundation composed of lumber, planks, boards or other suitable material sufficient to protect the pavement, surface and construction of such area from being broken up, damaged or disfigured is first provided by the owner or operator of such equipment.
- (b) Duties of Village Board to Cause Repair. If the operator of any construction implement, machinery, road machinery or other machinery on or adjacent to any public street, highway, alley, curbing or sidewalk in the Village causes damage or disfigurement to the pavement, surface or construction of any of such areas, whether or not a protective foundation has been provided, the Village Board shall notify and require by either written or verbal notice the person who has caused such damage or disfigurement to make or cause to be made all necessary repairs; and if such person refuses, neglects or fails to make or cause to be made such repairs within the time specified in the notice, the Village Board may cause such repairs to be made at the expense of such

person, to be recovered in an action prosecuted against him in the name of the Village.

#### **8.14 STORING OF MATERIALS AND MACHINERY ON STREETS.**

- (1) **PERMIT REQUIRED.** Before placing any stone, brick, sand, dirt, gravel, cement, lumber, planks, boards or other building material or any hoisting machine or other machinery or barrels or mortar box upon any sidewalk, street or public grounds within the Village, any person desiring so to do shall first obtain a permit from the Building Inspector.
- (2) **FEES.** No fee shall be charged for such permit for the first 15 days immediately following the date of the permit, but after 15 days, the fee for such permit shall be \$5 per month for the next 2 months and \$10 per month thereafter; but no permit shall be issued for less than \$5 except for the first 15 days of the permit.
- (3) **LIMITATIONS ON USE.** Such permits shall not authorize the use of more than 1/3 of the highway between curb lines opposite the premises of the person for whom the proposed building permit is granted or opposite the premises for which the permit is requested, and shall not authorize the placing of any such material or machinery or other thing upon the street or public ground which will unreasonably interfere with the public safety and convenience, or where there is sufficient room for such material or machinery on the same lot or premises which is accessible from any street or alley. No more than 1/3 of the highway between curb lines shall in any event be occupied for the placing or storing of any such material, machinery or other things, and no part of the sidewalk, parkway or curb between the building line and the street curb shall be utilized for the placing or storage of building materials.
- (4) **APPLICATION; BOND.** Application for a permit to place material, machinery or other things connected with building purposes in a street, alley or public grounds shall be in writing, describe the premises by lot, block, street and street number, if any, in front of which such materials, machinery or other things connected with building purposes is desired to be placed and specify the character of the material for which the permit is desired. Before a permit is granted the applicant shall execute to the Village and have on file with the Building Inspector a bond of undertaking in a sum approved by the Village President, conditioned to save and keep the Village harmless from all liability which may be incurred by the deposit or maintenance of such materials, machinery or other things connected with building purposes in the street, alley or public ground by the applicant or by his contractors, servants, agents or employees whether such material, machinery or other things shall be placed within or beyond the limits specified by this section.

**8.15 UNIFORM NUMBERING SYSTEM.**

- (1) **ESTABLISHED.** There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the Village and all houses and buildings shall be numbered in accordance with the provisions of this section.
- (2) **BASE LINES.** The north Village limits on 90th St. shall constitute the base line for numbering along all streets running north and south and the east Village limits on Durand Ave. shall constitute the base line for numbering along all streets running east and west.
- (3) **SYSTEM.** Numbering for each street shall begin at the base line. Numbers within the first block running east to west shall be from 8600 to 8699 and numbers in each succeeding block shall increase from the base line in units of 100, i.e., the first block shall be 8600 to 8699, second block 8700 to 8799, third block 8800 to 8899, etc. Numbers within the first block running north to south shall be from 1900 to 1999 and the numbers in each succeeding block shall increase from the base line in units of 100, i.e., the first block shall be 1900 to 1999, second block 2000 to 2099, the third block 2100 to 2199, etc. There shall be assigned 100 numbers to each block, square or space that would be one block or square, if streets each way were so extended as to intersect each other and one number shall be assigned to each 20' of frontage. In blocks or equivalent space longer than 750' which is not intersected by a street, if extended, the total length of space divided by 37.5 shall be used to determine the feet of frontage assigned to each number.
- (4) **PROCEDURE.** All lots and houses on the north and west side of all streets shall be numbered with even numbers, each commencing with the hundred assigned to that block and shall increase from the base line, one number for each 20' of frontage or fraction thereof, except as provided in sub. (3). Where any building has more than one door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, providing that the building is 20' or more in width. If the building is not 20' or more in width and the entrances are not that far apart, the next consecutive number shall be marked fractional. Buildings fronting on 2 or more streets shall have a number assigned only to the main entrance, unless other entrances serve different occupants.
- (5) **STREETS NOT EXTENDED.** All streets not extending through to the base line shall be assigned the same relative numbers as if the street has extended to the base line.
- (6) **SURVEY AND PLACEMENT OF NUMBERS.**

- (a) The Village Board shall cause the necessary survey to be made and there shall be assigned to each house and building located on any street, avenue, alley or highway in the Village, its respective number under this section. When the survey has been completed and each house and building has been assigned its respective number or numbers, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under this section.
  - (b) Such number or numbers shall be placed within 20 days after the assigning of the proper number. The cost of the number shall be paid by the property owner and shall be procured from the Clerk/Treasurer or Director of Public Works at the unit price for the same, such price to be the cost of such units to the Village. Replacements of numbers shall be procured and paid for by the owner. The numbers used shall be not less than 2½" in height.
  - (c) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street. Whenever any building is situated more than 50' from the street line, the number of such building shall be conspicuously displayed at the street line, near the walk, driveway or common entrance to such building and upon the gate post, fence, tree, post or other appropriate place so as to be easily discernible from the sidewalk.
- (7) **MULTIPLE NUMBERS.** Where only one number can be assigned to any building, the owner, occupant or agent of such building who shall desire distinctive numbers for any part of such building fronting any street, such owner or occupant or agent shall use a suite designation based on 100s. For instance Suite 100, Suite 200, etc.
- (8) **MAP.** For the purpose of facilitating a correct numbering, a map of all streets, avenues and public highways within the Village showing the proper numbers of all lots or houses fronting upon all streets, avenues or highways shall be kept on file in the office of the Clerk/Treasurer. This map shall be open to inspection of all persons during the office hours of the Clerk/Treasurer.
- (9) **BUILDING INSPECTOR TO ASSIGN NUMBERS.** The Building Inspector shall inform any party applying therefor of the number or numbers belonging or embraced within the limits of the lot or property as provided in this section. In case of doubt as to the proper number to be assigned to any lot or building, the Building Inspector shall determine the number of such lot or building.
- (10) **NUMBERS REQUIRED.** Whenever any house, building or structure shall be erected or located in the Village after a uniform system of numbering has been completed, the owner shall procure the correct number as designated from the



Building Inspector for the property and immediately fasten the number so assigned upon the building as provided by this section. No building permit shall be issued for any house, building or structure until the owner has procured from the Building Inspector the official number of the premises.

- (11) ENFORCEMENT. All police officers of the Village shall report violation of any provision of this section.
- (12) VIOLATIONS. If the owner or occupant of any building required to be numbered by this section neglects for the period of 20 days to attach and maintain the proper number of such building, the Director of Public Works shall serve upon him a notice requiring the same, and if he neglects to do so for 10 days after service of such notice, he shall be deemed to have violated this section.

#### **8.16 SMOKING. (Cr. #095-23)**

- (1) DEFINITIONS. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Smoking* shall mean possessing or carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

*Village buildings* shall mean all buildings owned by the Village and operated by its employees.

- (2) ENFORCEMENT. The provisions of this section shall be enforced by the Village Police Department. The use of citations as described in Section 25.04(4) of the Municipal Code is hereby authorized.
- (3) PENALTIES. Any person who violates sub. (4) shall be subject to a forfeiture of not less than one dollar nor more than \$10 together with assessments and costs of prosecution. In default of payment thereof, the violator shall be subject to further penalties, including imprisonment in the county jail, all in accordance with §800.095, Wis. Stats.
- (4) PROHIBITION. No person may smoke in the following places:
  - (a) Any enclosed, indoor area located within any building owned by the Village and operated by its employees. This includes, without limitation, all elevators, public lobbies, corridors, waiting rooms, dining areas, rest rooms, stairwells, auditoriums, conference and/or training and testing rooms, offices, courtrooms and other associated hearing, counseling and waiting areas, garage and shop

work areas, meeting rooms, data processing facilities, recreational facilities, those types of facilities designated in §101.123, Wis. Stats., including educational facilities, inpatient health care facilities, and all other enclosed, indoor area facilities contained within Village-owned buildings.

- (b) Any Village-owned motor vehicle and any means of public conveyance owned or leased by the Village and operated by its employees.

#### **8.17 ADDITIONAL SPECIAL ASSESSMENT PROCEDURES.**

- (1) **PURPOSE.** In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this Section.
- (2) **RESOLUTION REQUIRED.** Whenever the Village Board shall determine that any public work or improvement or any current service shall be financed in whole or in part by special assessments levied under this Section, it shall adopt a resolution specifying this intention and the time, either before or after completion of the work or improvement, when the amount of the assessment will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of the assessments may be deferred while no use of the improvement is made in connection with the property.
- (3) **APPLICATION OF STATE STATUTES.** The provisions of §66.60, Wis. Stats., shall apply to special assessments levied under this Section except that, when the Village Board determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by §66.60(3), Wis. Stats., shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.
- (4) **NOTICE OF HEARING.** Notice of the time and place of the public hearing on any special assessment proposed to be levied and notice of the final assessment and terms of payment thereof shall be given in the manner prescribed by §66.60(7) and (8)(d), Wis. Stats.
- (5) **LIEN AGAINST ASSESSED PROPERTY.** Any special assessment levied under this ordinance shall be a lien against the property assessed from the date of the final resolution of the Village Board determining the amount of the levy.
- (6) **APPEAL.** Any person against whose property a special assessment is levied under this ordinance may appeal therefrom in the manner prescribed by §66.60(12), Wis. Stats., within 40 days of the date of the final determination of the Village Board.

**8.18 MAILBOX SPECIFICATIONS AND PLACEMENT.**

- (1) **PURPOSE.** The purpose of this Section is to recognize that mailboxes have been and are allowed on the street right-of-way as a matter of convenience to the property owners or occupants and not as a matter of right. Encroachments upon the street right-of-way are governed generally by Section 86.04 of the Wisconsin State Statutes. A mailbox and its supports can cause damage to a vehicle that strikes it and injure the vehicle's occupants and therefore may be a hazard. However, a mailbox with light-weight supports that cause minimum damage shall not constitute a hazard.
- (2) **SPECIFICATIONS AS TO SIZE AND PLACEMENT OF MAILBOXES.**
  - (a) Height. The total height shall be within the range of 42 to 48 inches as measured from the top of curb. If no curb is present, then there shall be 6 inches added to the height so that the range is 48 to 54 inches as measured from the ground. Supports shall be buried no more than 24" into the ground.
  - (b) Set Back. The face of the mailbox shall be no more than 12 inches back from the face of the curb or future curb line, and the face of the mailbox must be behind the curb or future curb line.
  - (c) Mailbox Materials and Post Dimensions. The mailbox post shall not exceed the dimension of a 4 inch by 4 inch wood post and shall be able to break away upon impact. If the mailbox is constructed of these materials, the mailbox shall not constitute a hazard to the public use of the right-of-way. Steel, concrete piling, stone and posts larger than described above are hereby declared a hazard and are prohibited.
  - (d) Address Required. The address of the mailbox owner shall be required on each box.
  - (e) Snow Removal. The owner of each mailbox shall, within twenty-four (24) hours after the end of each snowfall, remove all snow and ice which has fallen or accumulated in front of said mailbox and shall remove the snow for a distance of two (2) feet to each side of said mailbox.
- (3) **VILLAGE IS NOT LIABLE FOR MAILBOXES.** If a mailbox is accidentally damaged in the process of removing snow, mowing the right of way, laying gravel to the shoulder area or any other act of maintaining the right-of-way by the Village, the Village is not liable to the property owners or occupants for such damage. It is solely the property owner's or occupant's obligation to maintain, repair or replace

the mailbox in compliance with this section. This Section is not intended to and shall not be construed to create any affirmative duty on the part of the Village to locate and remove obstructing mailboxes.

- (4) **ENFORCEMENT.** Whenever and wherever in the Village it is determined by any inspection by the Building Inspector or other designated person that there exists a violation of this Section, the Building Inspector or other designated person shall serve a notice in writing upon the property owner or other person violating this Section giving the owner or person reasonable time to remedy the violation.
- (5) **PENALTY.** If the violation is not remedied within the time allowed, the person found to be in violation of any provision of this Section, or any rule or order promulgated or issued hereunder shall be subject to a forfeiture as provided in Section 25.04 of this Municipal Code. The Village, at its option, may declare the violation a public nuisance if the person fails to remedy the violation within the time allowed.

#### **8.20 PENALTY.**

Except as otherwise provided in this chapter, any person found to be in violation of any provision of this chapter or any rule or order promulgated hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

#### **8.21 COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE.**

- (1) The words “garbage” and “offal” as used in this section shall be held to include every refuse, accumulation of animal, fruit and vegetable matter that attends the preparation, use, cooking, dealing in or storage of meats, fish, fowl, fruits and vegetables.
- (2) The Building Inspector and Village Police Officers are hereby authorized and directed to conduct and control the collection, removal and disposal of garbage in the Village in conformity with the following regulations:
  - (a) Garbage shall be prepared for collection by draining, wrapping and placing in a garbage receptacle which shall be specified by the Director of Public Works.
  - (b) Receptacles shall be in an easily accessible place as the Village may direct, shall be promptly delivered to the collector without delay and shall be promptly returned by the collector to the place; and no person excepting for the purpose authorized shall in any manner interfere with such receptacle or the contents thereof.

- (c) Garbage shall be collected by the collector from householders at such intervals and in such manner as specified in the contract. Garbage accumulated by restaurants, hotels or other public eating places, or by wholesale or retail purveyors of food, shall be collected at the expense of said business establishments.
- (d) All vehicles or conveyors, whether publicly or privately owned, used for the collection or transportation of garbage shall be covered and so constructed as not to leak or spill, shall be kept clean and as free from offensive odors as possible and shall not be kept in any street, alley or public place, nor upon any private premises within the Village limits longer than is reasonably necessary to collect the garbage, except by permission of the Village.
- (e) All garbage and offal following collection shall be disposed of in a licensed landfill or incinerator.
- (f) The collection, removal and disposal of garbage for a single and two family residential dwelling shall be provided by the Village. To carry out the terms of this section the Village Board is empowered to employ all necessary labor and to acquire and maintain the necessary equipment under terms approved by it or to enter into a private contract to handle the same.
- (g) The Village Board authorizes the Public Works Director to make and publicize such additional rules and regulations as may be found necessary for the proper collection, removal and disposal of garbage, offal, bulk items, white goods, yard waste and recyclables in the Village including, but not limited to, days of collection, manner of collection and proper receptacles for garbage, offal, yard waste and recyclables. Any fees for collection, removal and disposal of garbage, offal, bulk items, white goods, yard waste and recyclables shall be set by the Board of Trustees by resolution or through the budget.
- (h) No person, unless authorized to do so by the Village, shall gather, collect, transport or have in his possession in any public street, alley or public place within the Village any garbage or offal.
- (i) All garbage and offal will be placed at the proper point before 6 a.m. on the day of collection, but not before noon the day prior to collection. No garbage or offal shall remain at the collection point or at the curb of any street or in any alley after 24 hours after the scheduled day of collection and it shall be a violation of this ordinance to allow said garbage and/or offal to so remain. In addition to citing said offender, the Building Inspector is authorized to arrange for the individual collection of said garbage and/or offal and to charge the cost

of the special collection back to the property owner as a special charge pursuant to Section 66.0627 of the Wis. Stats. The Village Clerk shall invoice the property owner and if not paid within 14 days of the Clerk sending out the invoice, the charge shall be deemed delinquent and may be placed on the current or next tax roll for collection and settlement under Chapter 74 of the Wisconsin Statutes.

- (j) The use and placement of dumpsters and other cubic yard-type containers for garbage, offal, and debris, for businesses, institutions, condominium developments and apartment units is authorized pursuant to the following terms and conditions:
  1. The container must have self-closing doors or other mechanisms to insure that the lid remains closed except when items are in the process of being placed inside and all garbage, rubbish, debris and/ offal must be placed within the container and in such a manner that the container doors can be closed;
  2. The container shall be placed on asphalt or concrete;
  3. The container shall be emptied as necessary to prevent the overflow of garbage or to prevent odors or unhealthy condition due to the decay of garbage.
  4. In residential areas (as defined by the Village Zoning Code) the container shall be located behind the main building which is defined as behind a line formed by the farthest back wall (from the street on which the building fronts) of the building or located pursuant to a Village approved site plan or development agreement.
  5. If the location specified in # 4 above is not possible, the Building Inspector is authorized to issue a written exemption to said requirement provided that the location of the container is approved by the Building Inspector and that the container is screened on four sides as approved by the Building Inspector and all garbage, rubbish, offal and debris is kept within the confines of said screening.
  6. That failure to comply with any of the conditions of this section shall be a violation of this ordinance. In addition to citing said offender, if garbage, rubbish or offal is not confined to the dumpster or cubic yard-type container or, if screened, not kept within the confines of the screening, the Building Inspector is authorized to arrange for the individual collection of said garbage, rubbish and/or offal and to charge the cost of the special

collection back to the property owner as a special charge pursuant to Section 66.0627 of the Wis. Stats. The Village Clerk shall invoice the property owner and if not paid within 14 days of the Clerk sending out the invoice, the charge shall be deemed delinquent and may be placed on the current or next tax roll for collection and settlement under Chapter 74 of the Wisconsin Statutes.

(3) HANDLING AND DISPOSAL OF RECYCLABLES. (Cr. #092-7)

(a) Definitions.

**Recyclables.** All material having a present, economic, reusable value. Materials include glass containers, plastic containers, aluminum, tin, cardboard, newsprint and magazines.

**Solid Waste Generator.** Any person, organization or entity that generates solid waste within the Village.

(b) Separation Required. Every solid waste generator shall separate for disposal purposes garbage from recyclables as defined in par. (a). Disposal of such categories of solid waste shall be in accordance with this subsection.

(c) Drop-Off Center.

1. Solid waste generators may, upon showing proof of residency, dispose of recyclables at a drop-off center designated by the Village. Such disposal shall be during the hours and on the days determined by the Village.
2. Solid waste generators may drop off commingled recyclables at the designated site. Recyclables must be emptied from all containers and the containers, including bags, removed. Newsprint, cardboard and magazines to be separated. Nothing other than recyclables may be disposed of at the Village drop-off center.

(d) Recyclables Disposal; Preparation. Recyclables must be prepared for disposal as follows:

1. **Glass Containers.** Clear and colored; covers, metal and plastic bands removed; containers thoroughly rinsed. No plate glass, ceramics or clay items.
2. **Plastic Containers.** Plastic milk jugs and other containers with recyclable number codes 1, 2, 3 and 5, rinsed thoroughly. Discard covers, lids and

rings. Remove any polystyrene or plastic label/wrap. No plastic bags or egg cartons.

3. Aluminum. Rinse out thoroughly. Any articles, such as TV dinner trays, foil wrap, potpie pans and aluminum cans.
4. Tin. Includes steel containers or combination steel and aluminum (bi-metal) containers. Thoroughly rinsed and crushed.
5. Newsprint. Bundled or stacked in paper bags or tied securely in manageable bundles. Newsprint shall be kept separate from other recyclable materials.
6. Magazines, Catalogs. Bundled or stacked in paper bags or tied securely in manageable bundles. Magazines and catalogs shall be kept separate from other recyclables.
7. Corrugated cardboard. Large quantities shall be bundled or cut up and placed in a cardboard box. No chipboard, such as cereal, cake or detergent boxes or 12 pack cartons. Cardboard shall be kept separate from other recyclables.
8. Waste Oil Disposal. Waste oil is banned from landfills and may not be placed in waste containers. Waste oil may be disposed of by dumping it into either of the tanks marked “Waste Oil” located behind the Village garage (Michigan Ave.). No containers may be left at site.

(e) General Prohibition. No recyclables shall be disposed of at the Village drop-off center in any manner other than as prescribed in this subsection.

## **8.22 RECYCLING. (Cr. #094-38)**

- (1) **TITLE**. This section shall be referred to as the Village of Sturtevant Recycling Ordinance.
- (2) **PURPOSE**. The purpose of this ordinance is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in §287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.
- (3) **STATUTORY AUTHORITY**. This section is adopted as authorized under §287.09(3)(b), Wis. Stats.



- (4) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this section to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this section imposes greater restrictions, the provisions of this section shall apply.
- (5) **INTERPRETATION.** In their interpretation and application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544, Wis. Adm. Code standards in effect on the date of the adoption of this section, or in effect on the date of the most recent text amendment to this section.
- (6) **SEVERABILITY.** Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.
- (7) **APPLICABILITY.** The requirements of this section apply to all persons within the Village of Sturtevant, Racine County, Wisconsin.
- (8) **ADMINISTRATION.** The provisions of this section shall be administered by the Village Board and its duly designated agents.
- (9) **EFFECTIVE DATE.** The provisions of this section shall take effect as of January 1, 1995.
- (10) **DEFINITIONS.** For the purposes of this section:

*Bi-metal container* means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

*Container board* means corrugated paperboard used in the manufacture of shipping containers and related products.

*Foam polystyrene packaging* means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (a) Is designed for serving food or beverages.

- (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

*HDPE* means high density polyethylene, labeled by the SPI code #2.

*LDPE* means low density polyethylene, labeled by the SPI code #4.

*Magazines* means magazines and other materials printed on similar paper.

*Major appliance* means a residential or commercial air-conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

*Multiple-family dwelling* means a property containing 5 or more residential units, including those which are occupied seasonally.

*Newspaper* means a newspaper and other materials printed on newsprint.

*Non-residential facilities and properties* means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

*Office paper* means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

*Other resins or multiple resins* means plastic resins labeled by the SPI code #7.

*Person* includes any individual, corporation, partnership, association, local governmental unit, as defined in §66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

*PETE* means polyethylene terephthalate, labeled by the SPI code #1.

*Plastic container* means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

*Postconsumer waste* means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §291.01(7), Wis. Stats., waste

from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §289.01(17), Wis. Stats.

*PP* means polypropylene, labeled by the SPI code #5.

*PS* means polystyrene, labeled by the SPI code #6.

*PVC* means polyvinyl chloride, labeled by the SPI code #3.

*Recyclable materials* includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

*Solid waste* has the meaning specified in §144.01(15), Wis. Stats.

*Solid waste facility* has the meaning specified in §144.43(5), Wis. Stats.

*Solid waste treatment* means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. “Treatment” includes incineration.

*Suitable container* means clear plastic bag stamped with “Village of Sturtevant” on bag.

*Waste tire* means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

*Yard waste* means leaves, grass clippings, yard and garden debris and brush, including stumps, roots or shrubs with intact root balls.

- (11) **SEPARATION OF MATERIALS.** Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste, unless a variance is granted by the Wisconsin DNR, pursuant to Ch. NR 544, Wis. Adm. Code:

- (a) Lead acid batteries.
- (b) Major appliances.
- (c) Waste oil.

- (d) Yard waste.
  - (e) Aluminum containers.
  - (f) Bi-metal containers.
  - (g) Corrugated paper or other container board.
  - (h) Glass containers.
  - (i) Magazines.
  - (j) Newspaper.
  - (k) Office paper.
  - (l) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
  - (m) Steel containers.
  - (n) Waste tires.
  - (o) Foam polystyrene packaging.
- (12) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of sub. (11) do not apply to the following:
- (a) Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the State DNR that recovers the materials specified in sub. (11) from solid waste in as pure a form as is technically feasible.
  - (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - (c) A recyclable material as herein specified for which a variance has been granted by the DNR under §287.11(2m), Wis. Stats., or Ch. NR 544.14, Wis. Adm. Code.

- (13) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sub. (11) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in manner which protects them from wind, rain, and other inclement weather conditions.
- (14) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:
- (a) Lead acid batteries shall be taken to an area retail business that sells vehicle batteries for return.
  - (b) Major appliances shall be periodically picked up by the Village's solid waste contractor for proper disposal, for single-family and 2- to 4-unit residents only.
  - (c) Waste oil shall be handled at the Village recycling center for waste oil and then removed by licensed vendor, or a resident may take waste oil to a licensed vendor of resident's choice.
  - (d) Yard waste shall be placed at the curb at specified times of the year, in disposable brown bags or taken to the Village's compost site.
  - (e) Branches shall be placed at the curb at specified times of the year, untied.
- (15) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Village Board or its designated representative, occupants of single-family and 2- to 4-unit residences shall do the following for the preparation and collection of the separated materials specified in sub. (11)(e)–(o):
- (a) Aluminum containers shall be placed in suitable container at curbside after same have been cleaned.
  - (b) Bi-metal containers shall be placed in suitable container at curbside after same have been cleaned with ends cut.
  - (c) Corrugated paper or other container board shall be placed at curbside and shall be free of debris, flattened, stacked and tied.

- (d) Glass containers shall be placed in suitable container at curbside after same have been cleaned.
  - (e) Magazines shall be placed in suitable container at curbside.
  - (f) Newspaper shall be placed in suitable container at curbside in brown paper bags or tied in bundles of 8” or less.
  - (g) Office paper shall be placed in suitable container at curbside.
  - (h) Rigid plastic containers shall be placed in suitable container at curbside and prepared and collected as follows:
    - 1. Plastic containers made of PETE, shall be rinsed free of product residue and caps shall be removed and discarded.
    - 2. Plastic containers made of HDPE, including milk jugs and detergent bottles, shall be rinsed free of product residue and caps shall be removed and discarded.
    - 3. Plastic containers made of PVC, LDPE, PP, PS, or other resins or multiple resins, shall be rinsed free of product residue and caps shall be removed and discarded.
    - 4. Steel containers shall be rinsed free of product residue and placed in a suitable container at curbside.
    - 5. Waste tires shall be disposed of by residents at any approved facility.
  - (i) Foam polystyrene packaging shall be placed in a suitable container at curbside.
- (16) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.
- (a) Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials specified in sub. (11)(e)–(o):
    - 1. Provide adequate, separate containers for the recyclable materials.
    - 2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

3. Provide for the collection of the materials separated from the waste by tenants and the delivery of the materials to a recycling facility.
  4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in par. (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in sub. (11)(e)–(o) from solid waste in as pure a form as is technically feasible.
- (17) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.
- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in sub. (11)(e)–(o):
1. Provide adequate, separate containers for the recyclable materials.
  2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  3. Provide for the collection of materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in par. (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in sub. (11)(e)–(o) from solid waste in as pure a form as is technically feasible.

(18) **PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.** No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in sub. (11)(e)–(o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(19) **ENFORCEMENT.**

- (a) For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the Village solid waste contractor or the designated agent of the Village Board may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village solid waste collector or the designated agent of the Village Board who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of the section may be issued a citation by the Village Police Department to collect forfeitures.

The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

- (c) Penalties for violating this section may be assessed as follows:
  - 1. Any person who violates sub. (18) may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
  - 2. Any person who violates a provision of this section, except sub. (18), may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

## **8.23 UNLAWFUL REMOVAL OF ITEMS DEPOSITED FOR COLLECTION.**

(1) **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this section:



*Recyclable material(s)* shall mean (except materials subject to a Wisconsin Department of Natural Resources variance or exemption granted under NR 544.14, Wisconsin Administrative Code) major appliances, aluminum containers, corrugated paper or other container board, glass containers, magazines, newspaper, office paper, rigid plastic containers, including those made of PETE (#1), HDPE (#2), and other resins or multiple resins which have an SPI Code designation of 1 or 2, steel containers, bi-metal containers, foam polystyrene packaging and rigid plastic containers, including those made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7), and empty aerosol containers.

*Solid waste* shall mean that type of solid waste material generated by the Village or its residents, such as household garbage and refuse.

*Garbage* shall mean discarded materials resulting from the handling, processing, storage and consumption of food.

*Refuse* shall mean all matters produced from industrial or community life, subject to decomposition, not defined as sewage.

*Large household items* shall mean household furniture and shall include, but not be limited to, davenports, recliners, overstuffed chairs, bookcases, dressers, tables, desks and similar items.

*White goods* shall mean household appliances, including but not limited to, microwaves, dehumidifiers, dishwashers, refrigerators, freezers, stoves, washing machines, clothes dryers, water heaters and air conditioners.

- (2) **PROHIBITION.** No person, firm, association or corporation, unless granted permission by the Village, shall scavenge, collect or remove recyclable materials, solid waste, white goods and other household or similar items that have been deposited or placed by any person adjoining such premises for collection and disposal.
- (3) **PENALTIES.**
  - (a) First Offense. Any person who shall violate the provisions of sub. (1) shall, upon conviction thereof, forfeit not less than \$25 nor more than \$100, together with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail in accordance with Section 800.095 of the Wisconsin Statutes.
  - (b) Second Offense. Any person found guilty of violating sub. (1), who has previously been convicted of a violation of such ordinance within one year,

shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail in accordance with Section 800.095 of the Wisconsin Statutes.

- (c) Third Offense. Any person found guilty of violating sub. (1), who has previously been convicted of a violation of such ordinance 2 times or more within one year, shall upon conviction thereof, forfeit not less than \$100 nor more than \$500 for such third offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail in accordance with Section 800.095 of the Wisconsin Statutes.